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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 * * * * *

15 MARY GERENDAY,
16
17 Plaintiff,

CASE NO. 2:18-cv-00937-JCM-GWF

18 vs.

19 ALBERTSON'S, LLC; DOES 1-20 and
ROE BUSINESS ENTITIES 1-20, inclusive,
20 Defendants.
21

22 **STIPULATION AND ORDER TO CONTINUE DISCOVERY DEADLINES**
23 ***(First Request)***

24 Plaintiff, MARY GERENDAY, by and through her counsel ROBERT W. COTTLE, ESQ.
25 and MATTHEW G. HOLLAND, ESQ., of THE COTTLE FIRM, and Defendant
26 ALBERTSON'S, LLC, by and through their counsel LEW BRANDON, JR, ESQ. and
27 MATTHEW WHITTAKER, ESQ. of MORAN BANDON BENDAVID MORAN hereby
28 stipulate and agree to vacate and extend the current discovery deadlines set forth in the Discovery

1 Plan and Scheduling Order filed on May 9, 2018, pursuant to LR 26-4.

2 **A. Discovery Completed to Date.**

- 3 1. Defendant ALBERTSON'S, LLC provided its initial disclosures on May 31, 2018.
- 4 2. Plaintiff provided her initial disclosures on June 29, 2018.
- 5 3. Defendant ALBERTSON'S, LLC served Interrogatories, Requests for Admissions
6 and Requests for Production on Plaintiff on May 31, 2018.
- 7 4. Plaintiff served her Responses to Defendant ALBERTSON'S, LLC's Requests for
8 Production of Documents, Request for Admissions and Interrogatories on July 13,
9 2018.

10 **B. Description of Discovery that Remains to Be Completed.**

11 The parties intend on conducting the following additional discovery:

- 12 1. Defendant noticed the Plaintiff's deposition for August 22, 2018.
- 13 2. Plaintiff will serve Requests for Production of Documents; Requests for
14 Admissions; and Interrogatories to Defendant ALBERTSON'S, LLC.
- 15 3. All parties intend to request, subpoena, review and inspect various additional
16 documents and other evidence;
- 17 4. Defendants intend to serve additional written discovery;
- 18 5. Expert Designations; and
- 19 6. Depositions of fact witnesses and experts for the Parties.

20 **C. Reasons Why Discovery was Not Completed.**

21 With respect to the Plaintiff's position, Plaintiff has retained new counsel on August 10,
22 2018. Since their retention eleven (11) days ago, Plaintiff's counsel has now received the file
23 from the previous law firm and is in the process of evaluating what discovery remains to be
24 completed. At this time, it appears that Plaintiff's prior counsel had not yet propounded initial
25 written discovery after serving initial disclosures under FRCP 26. Plaintiff's new counsel
26 requires a short extension of time to propound written discovery, inspect the physical location,
27 retain initial liability and damages experts, and to depose corporate representatives and percipient
28 witnesses.

1 The Defendant shares a similar interest in continuing its discovery efforts, including
 2 additional written discovery and expert retention, with the Plaintiff who is now represented by
 3 new counsel.

4 Therefore, a short extension of one hundred twenty (120) days to complete discovery is
 5 requested to compensate for the disruption in the ordinary course of litigation and to ensure the
 6 matter is litigated on its merits. This stipulation is entered by and between counsel for all parties
 7 in a spirit of mutual agreement, professional courtesy, for good cause and with good faith,
 8 harboring no dilatory motive or intent to impose any undue burden upon any participating party.

9 **D. Proposed Schedule for Completing Remaining Discovery.**

10 1. **Discovery Cut-off Date: March 18, 2019**

11 2. **Amending the Pleadings and Adding Parties: December 18, 2018.**

12 3. **FRCP 26(a)(2) Disclosure of Experts:** Disclosure of experts shall proceed
 13 according to Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their
 14 reports shall occur on or before **January 17, 2019**. The disclosure of rebuttal experts and their
 15 reports shall occur on or before **February 15, 2019**.

16 4. **Interim Status Report:** The parties shall file the Interim Status Report on or
 17 before **January 17, 2018**, 60 days before the discovery cut-off date, as required pursuant to LR
 18 26-3.

19 5. **Dispositive Motions:** The parties shall have until **April 17, 2019** to file dispositive
 20 motions. This is 30 days after the discovery cut-off date, as required pursuant to LR 26-1(e)(4).

21 6. **Pre-Trial Order:** The parties will file a Joint Pre-Trial Order on or before **May**
 22 **17, 2019**, which is not more than 30 days after the date set for filing dispositive motions in this
 23 case, as required pursuant to LR 26-1(e)(5). This deadline will be suspended if dispositive
 24 motions are timely filed until 30 days after the decision of the dispositive motions or until further
 25 order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall
 26 be made in the Pre-Trial Order.

27 ...

28 ...

This Stipulation is made in good faith and not for the purposes of delay.

**MORAN BRANDON BENDAVID
MORAN**

THE COTTLE FIRM

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IT IS SO ORDERED.

DATED: 8/22/2018


UNITED STATES MAGISTRATE JUDGE